

Docket AUS920000510US1

Appl. No.: 09/736,349
Filing Date: December 14, 2000

REMARKS

The first Office action in the present case rejected all claims and relied on three references, U.S. Patent No. 6,301,614 ("Najork"), U.S. Patent No. 6,026,413 ("Challenger"), and U.S. Patent No. 6,748,418 ("Yoshida"). In a Reply A, filed October 18, 2004, claims were responsively amended to overcome the rejections.

The Examiner responded with a second office action dated February 24, 2005 finally rejecting all remaining claims and citing additional references, "Crawler-Friendly Web Servers" September 2000, ("Brandman") and U.S. Patent No. 6,735,169 ("Albert").

For the following reasons, Applicant requests that the finality of the second Office action, dated February 24, 2005, be withdrawn:

1. Despite Applicant's concerted effort, Applicant was not granted an interview before the final rejection. If such an interview had been conducted, the second Office action might have been avoided altogether.

Attorney faxed a written interview request on 9/30/2004 with a draft reply and subsequently called and left messages for the Examiner. (See attached PTO acknowledgment of the 9/30/2004 transmittal.) The Examiner responded on Friday, 10/15/04, at which time he left Attorney a voice message. Attorney and Examiner then traded voice messages without making connections. Due to expiration of the three month period for reply, Attorney filed a formal reply on 10/18/2004. Attorney continued to try and reach the Examiner by phone on more than one occasion, to no avail. On 12/09/2004, Attorney also faxed a written reminder of the interview request, with a copy of the Interview Request. (See attached PTO acknowledgment of the 12/09/2004 transmittal.) No answer from Examiner was received. A final rejection was issued in the second Office action without an interview.

2. Applicant amended certain claims in reply to the first Office action, but the claims were not examined.

In the second Office action of 2/24/04, independent claims 7, 15 and 23 are rejected as obvious in view of Najork and Challenger. The statements of rejections of claims 7, 15 and 23 in the second Office action are identical repetition of the rejections of the first Office action, even though these claims were substantially amended in Reply A, filed 10/18/04.

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REQUESTED ACTION

Applicant requests that the second Office action be deemed non-final, so that Applicant may have an opportunity to fully respond to the rejections in writing without the prejudicial procedural constraints that are imposed on the response by the final rejection. If an interview had been conducted, the second Office action might have been avoided.

Respectfully submitted,



Anthony V. S. England
Attorney for Applicant
Registration No. 35,129
512-477-7165
a@aengland.com